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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/250,940	02/18/1999	JAY H. CONNELLY	2207/6019	2643

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EXAMINER

TRAN, TRANG U

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 08/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/250,940

Applicant(s)

CONNELLY ET AL.

Examiner

Trang U. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- ☐ Interview Summary (PTO-413) Paper No(s) ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1- 9, 12-32 and 34-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Michaud (US. Patent No. 6,057,874).

In consider claim 1, Michaud discloses all the claimed subject matter, note 1) the claimed a command device generating a command signal is met by the information providers 14(Fig. 1, col. 2, line 57 to col. 3, line 9), 2) the claimed an input device generating a data signal is met by the information providers14 (Fig. 1, col. 2, line 57 to col. 3, line 9), 3) the claimed a first device receiving the command and data signals, the first device generating a transmission signal including the command and data signals is met by the headend 12 which receives video, audio and data content from remote service providers 14 and retransmits this information over the CATV transmission

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network 22 (Figs. 1 and 2, col. 3, lines 4-29), 4) the claimed a second device receiving the transmission signal and extracting the command signal and the data signal from the transmission signal is met by the settop terminal 20 (Figs. 1 and 3, col. 3, line 30 to col. 4, line 13), 5) the claimed at least one target device being controlled as a function of the command signal is met by the VCR, and 6) the claimed an output device receiving the data signal is met by the TV set 21 (Fig. 1).

In consider claim 2, the claimed wherein the data signal includes at least one of a video signal, an audio signal and an information signal is met by the headend 12 which receives video, audio and data content from remote service providers 14 and retransmits this information over the CATV transmission network 22 (Figs. 1 and 2, col. 3, lines 4-29).

In consider claim 3, the claimed wherein the output device includes at least one of a television set, a display device, an audio device and a data processor is met by the TV set 21 (Fig. 1).

In consider claim 4, the claimed wherein the at least one target device includes at least one of a light control device, a climate control device, a computer, a printer, a display device, an audio system, a telephone, a television set, a toy, a motorized device, a controllable device, a home appliance control device is met by the VCR (Fig. 6).

In consider claim 5, the claimed further comprising: a network arrangement facilitating a transmission of the transmission signal from the first device to the second device is met by the CATV transmission network 22 (Fig. 1).

In consider claim 6, the claimed wherein the network arrangement includes at least one of a television broadcast system, a communication network, a satellite network, a cable network and a telephone network is met by the CATV transmission network 22 (Fig. 1).

In consider claim 7, the claimed wherein the transmission signal is in one of an analog format and a digital format is met by the CATV transmission network 22 (Fig. 1).

In consider claim 8, the claimed wherein if the transmission signal is in the analog format, the command signal is inserted by the first device into a predetermined portion of the data signal and the command signal is extracted by the second device from the predetermined portion is met by the data inserter 114 of the transmitter and the out of band data receiver 115 from the receiver (Figs. 2 and 3, col. 3, line 66 to col. 4, line 13).

In consider claim 9, the claimed wherein the predetermined portion is a vertical blanking intervals portion is met by col. 3, line 66 to col. 4, line 13.

In consider claim 12, the claimed wherein at least one of the second device and the at least one target device is controlled as a function of the command signal is met by the TV set 21 and the VCR (Figs. 4-8).

In consider claim 13, Michaud discloses all the claimed subject matter, note 1) the claimed a command receiver receiving a command signal for use in controlling the at least one target device, the command signal being received from a command device is met by the microprocessor 100 which is coupled to an electronic storage device 10 (Fig. 2, col. 3, lines 4-19), 2) the claimed a command coder converting the command

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signal into a first signal, the command coder being coupled to the command receiver is met by data transmitter receiver 112 (Fig. 2, col. 3, lines 20-29), 3) the claimed a data receiver receiving a data signal from an input device is met by the video audio programming 116 (Fig. 2, col. 3, lines 20-29), 4) the claimed data coder converting the data signal into a second signal, the data coder being coupled to the data receiver is met by the video audio programming 116 (Fig. 2, col. 3, lines 20-29), 5) the claimed a modulator coupled to the command and data coders and generating the transmission signal using the first and second signals is met by the data inserter 114 (Fig. 2, col. 3, lines 20-29), and 6) the claimed a transmitter coupled to the modulator and transmitting the transmission signal is met by the CATV net work 22 (Fig. 2, col. 3, lines 20-29).

Claim 14 is rejected for the same reason as discussed in claim 1.

In consider claim 15, the claimed a controller facilitating generation of the transmission signal and a memory unit coupled to the controller and storing the transmission signal is met by the microprocessor 100 which is coupled to an electronic storage device 10 (Fig. 2, col. 3, lines 4-19).

In consider claim 16, Michaud discloses all the claimed subject matter, note 1) the claimed a receiver receiving a transmission signal is met by the tuner 113 and the out of band data receiver 115 (Fig. 3, col. 3, lines 29-65), 2) the claimed a demodulator extracting a first signal from the transmission signal is met by the tuner 113 (Fig. 3, col. 3, lines 29-65), 3) the claimed a command decoder decoding the first signal into the command signal, wherein the at least one target device is controlled as a function of the command signal is met by the video processor 118 (Fig. 3, col. 3, lines 29-65).

In consider claim 17, the claimed a data decoder decoding a data signal from a second signal, the second signal being extracted from the transmission signal using the demodulator is met by the tuner 113 and the out of band data receiver 115 (Fig. 3, col. 3, lines 29-65), and the claimed a data transmitter receiving the data signal and providing the data signal to an output device is met by the video processor 118 (Fig. 3, col. 3, lines 29-65).

In consider claim 18, the claimed further comprising: a command dispatcher providing the command signal to a corresponding target device is met by the IR remote interface 123 (Fig. 3).

In consider claim 19, the claimed a controller generating a control signal using the command signal to control the at least one target device is met by the system processor 101 (Fig. 3, col. 3, lines 29-65), and the claimed a memory unit coupled to the controller and storing the command signal is met by the RAM 121 (Fig. 3, col. 3, lines 29-65).

In consider claim 20, the claimed further comprising: a filtering device coupled to the controller, the filtering device controlling and selecting the command signal as a function of predetermined variables is met by the graphical user interface (GUI) (Fig. 4, col. 4, lines 14-27).

In consider claim 21, the claimed wherein the filtering device is implemented as a software application, the software application being stored in the memory unit is met by the software program (Figs. 4-8, col. 4 line 14 to col. 6, line 65).

In consider claim 22, the claimed wherein the predetermined variables are adjusted according to a predetermined procedure is met by the software program (Figs. 4-8, col. 4 line 14 to col. 6, line 65).

In consider claim 23, the claimed wherein the command transmitter provides the command signal to the output device is met by the data transmitter receiver 112 (Fig. 2, col. 3, lines 20-29).

In consider claim 24, the claimed further comprising: a transmitting device transmitting a data to a predetermined device, the data being provided by at least one of the filtering device and the at least one target device is met by the software program for controlling the VCR (Figs. 4-8, col. 4 line 14 to col. 6, line 65).

In consider claim 25, the claimed wherein the transmitting device includes a modem is met by col. 3, lines 23-29.

In consider claim 26, the claimed wherein the predetermined variables include a profile of a user is met by Fig. 7, col. 5, line 62 to col. 6, line 27.

Claim 27 is rejected for the same reason as discussed in claim 1.

Claim 28 is rejected for the same reason as discussed in claim 1.

In consider claim 29, the claimed comprising the step of: (h) controlling at least one of the second device and the output device as a function of the command signal is met by the software program (Figs. 4-8, col. 4 line 14 to col. 6, line 65).

Claim 30 is rejected for the same reason as discussed in claim 20.

In consider claim 31, the claimed wherein the step (b) includes a substep of inserting the command signal into a vertical blanking interval portion of the data signal

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and wherein the step (d) includes a substep of extraction the command signal from the vertical blanking interval portion is met by the data inserter 114 of the transmitter and the out of band data receiver 115 from the receiver (Figs. 2 and 3, col. 3, line 66 to col. 4, line 13).

In consider claim 32, the claimed wherein the command signal is transmitted using one of an in-band procedure and an out-of-band procedure is met by the data inserter 114 of the transmitter and the out of band data receiver 115 from the receiver (Figs. 2 and 3, col. 3, line 66 to col. 4, line 13).

Claim 34 is rejected for the same reason as discussed in claim 1.

Claim 35 is rejected for the same reason as discussed in claims 1 and 2.

Claim 36 is rejected for the same reason as discussed in claim 1.

Claim 37 is rejected for the same reason as discussed in claim 1.

Claim 38 is rejected for the same reason as discussed in claim 1.

Claims 39-40 are rejected for the same reason as discussed in claim 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-11 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michaud (US. Patent No. 6,057,874) in view of Adams et al. (US. Patent No. 6,108,042).

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In consider claim 10, Michaud discloses all the limitations of the instant invention as discussed in claims 1 and 7 above, except for providing the claimed wherein if the transmission signal is in the digital format, the command signal is attached to a data packet of the transmission signal by the first device, the data packet including the data signal, and the command signal is extracted from the data packet using the second device. Adams et al teach that the satellite receiver 14 enables reception of packetized digital data streams over a satellite link. The packetized digital data streams received by the satellite receiver 14 include video data packets, audio data packets, and associated data packets. The satellite receiver 14 transfers the received digital data stream packets to the computer system 10 over a communication line 30 (Fig. 1, col. 4, lines 9-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the command signal is attached to a data packet of the transmission signal as taught by Adams et al. into Michaud's system in order to coordinate of video and audio data streams using association data streams to enable content programmer control of display and selection functions for a video system.

In consider claim 11, Michaud discloses all the limitations of the instant invention as discussed in claims 1 and 7 above, except for providing the claimed wherein if the transmission signal is in the digital format, the command signal is transmitted using a command packet by the first device, the command packet corresponding to a data packet including the data signal, and the command signal is extracted from the command packet using the second device. Adams et al teach that the computer system 10 extracts associated data packets of the incoming packetized digital data stream on

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the communication line 30 and decodes the associated data packets according to a predefined video command and control protocol (Fig. 1, col. 4, lines 37-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the device which extracts the command signal from the command packet at taught by Adams et al into Michaud's system in order to coordinate of video and audio data streams using association data streams to enable content programmer control of display and selection functions for a video system.

Claim 33 is rejected for the same reason as discussed in claim 10.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Levine (US. Patent No. 5,988,078) discloses method and apparatus for receiving customized television programming information by transmitting geographic location to a service provider through a wide-area network.

Montague et al (US. Patent No. 6,353,635 B1) disclose method for simultaneously controlling multiple devices using a single communication channel.

Macrae et al (US. Patent No. 6,052,145) disclose system and method for controlling the broadcast and recording of television programs and for distributing information to be displayed on a television screen.

Kwoh et al (US. Patent No. 6,115,057) disclose apparatus and method for allowing rating level control of the viewing of a program.

Kusumi et al (US. Patent No. 6,252,630 B1) disclose receiver and receiving method.

Sato (US. Patent No. 6,408,435 B1) discloses internet downloaded programmable remote control.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Trang U. Tran** whose telephone number is **(703) 305-0090**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W. Miller**, can be reached at **(703) 305-4795**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:


(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

TT TT

August 8, 2002


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600